

(Docket Entry No. 1)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

_____	:	
WHITE EAGLE PARTNERS, et al.	:	
	:	
Plaintiffs,	:	Civil No. 06-1596 (RMB)
	:	
v.	:	ORDER
	:	
MEDIFAST, INC.,	:	
	:	
Defendant.	:	
_____	:	

THIS MATTER comes before the Court upon its own motion;
and

IT APPEARING TO THE COURT that Plaintiff, White Eagle Partners, is a New Jersey partnership that is not represented by a member of the bar of this Court; and

IT FURTHER APPEARING TO THE COURT that business entities may only be represented by members of the bar of this Court and not by unlicensed individuals or pro se, Simbraw, Inc. v. United States, 367 F.2d 373, 373 (3d Cir. 1966) (citing 28 U.S.C. § 1654); Cf. Local Civ. R. 11.1; see also, Eagle Associates v. Bank of Montreal, 926 F.2d 1305 (2d Cir. 1991); and

IT FURTHER APPEARING TO THE COURT that White Eagle Partners has previously been advised by the Court that it had to obtain counsel by May 17, 2006, [Doc. Entry No. 2, April 17,

2006], under pain of dismissal and failed to do so; and

IT FURTHER APPEARING TO THE COURT that Plaintiffs filed this Complaint on April 5, 2006, [Doc. Entry No. 1], and that Plaintiffs have failed to serve a copy of a summons and Complaint on Defendant; and

THE COURT FINDING THAT Federal Rule of Civil Procedure 4(m) permits the Court to dismiss suits where "service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint" unless "the plaintiff shows good cause for the failure," Fed. R. Civ. P. 4(m); Burns v. Potter, No. 04-728, 2006 U.S. Dist. LEXIS 45504 *8 (D.N.J. June 22, 2006);

IT IS therefore, on this 17th day of October, 2006,

ORDERED that the Complaint as to Plaintiff White Eagle Partners is **DISMISSED** without prejudice for failure to obtain counsel's appearance; and

IT IS FURTHER **ORDERED** that unless Plaintiffs show good cause for failure to comply with Rule 4(m) within seven (7) days hereof, the Complaint shall be dismissed in its entirety without prejudice.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge